

Am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,932	03/06/2001	Michael J. Gormish	74451.P127D1	5639

7590

02/27/2004

Michael J. Mallie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CHEN, WENPENG

ART UNIT PAPER NUMBER

2624

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,932

Applicant(s)

GORMISH ET AL.

Examiner

Wenpeng Chen

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Inventorship

1. Receipt is acknowledged of the statement, requesting that Edward L Schwartz, and Martin Boliek be deleted as named inventors, which was filed on 8/15/2002 (paper #9.) The inventorship has been corrected as requested.

Examiner's Statement

2. The amendment filed on 11/5/2002 has been entered as paper #10.

Drawings

3. The drawings are objected to because of the following informalities.

-- The labels are in handwritten form and difficult to recognize.

-- In Fig. 3(a), the numerals "320" and "321" shall be replaced with "310" and "311", respectively.

Correction is required.

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

-- In page 49, line 8, the word [times] shall be replaced with - tiles -.

Appropriate correction is required.

Claim Objections

6. Claims 15-17 are objected to because of the following informalities:

-- Claim 15 recites a method defined by system Claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As explained above, it is not clear that Claims 15-17 recite methods or systems.

Claim Interpretation

9. For examining Claims 15-17 over the prior art, the Examiner make the following interpretation:

-- Replace "Claim 1" in line 1, Claim 15 to "Claim 10".

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1, 5-7, 9-10, 14, 18-20, and the interpreted Claims 15-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Marcellin et al. ("An Overview of JPEG-2000," Michael W. Marcellin, et al., Proceedings of Data Compression Conference, DCC 2000, 28-30 March 2000, pages 523-541.)

Marcellin teaches a system (sections 1 and 4) comprising:

-- a memory storing a compressed image as a codestream in a first progression order;
(Sections 5, 5.1, 5.2; In section 5.2, Marcellin teaches that a JPEG-2000 bitstream can be stored

Art Unit: 2624

in any desired order. Inherently, there is a memory to store a codestream in a first progression order.)

-- a progression order conversion parser to convert the codestream from the first progression order to a second progression order different than the first progression order; (sections 5, 5.1, and 5.2; For example, section 5.2 teaches changing the order.)

-- wherein the parser:

- determines where packets exist in the codestream based on at least one marker;

(sections 5, 5.1, and 5.2)

- creates a structure specifying components in each packet; (section 5.1, 1st paragraph)

- reorders packets in the codestream using the structure to map the first progression order to the second progression order; (section 5.2, 1st and 2nd paragraphs)

-- wherein the parser, in response to receiving a request, performs the conversion and sends the codestream in the second progression order; (section 5.3, 1st paragraph)

-- wherein the memory is part of a server that serves the image in response to requests; (section 5.3, 1st paragraph; For a server to perform "parsing" from one order to another order, the data of the first order is inherently stored in the server. Therefore, the memory is in the server.)

-- wherein the codestream is a JPEG 2000 codestream. (section 5)

The above passages also teach the corresponding methods of Claims 10, 14, 18, and the interpreted Claims 15-16.

The above passages also teach the corresponding apparatus of Claim 20.

Art Unit: 2624

In section 4, Marcellin teaches a JPEG-2000 coding engine with JPEG-2000 algorithm. Furthermore, Marcellin shows that the JPEG-2000 coding engine with the JPEG-2000 algorithm has been used to evaluate JPEG-2000 compression as shown in section 6. For the JPEG-2000 coding engine to operate, the JPEG-2000 algorithm shall be stored in a memory in the engine or system. The memory such as a hard disk is the article of Claim 19.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-4, 8, 11-13, and the interpreted Claim 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcellin as applied to Claims 1, 7, 10, and 16, and further in view of Christopoulos et al. (US patent application publication 2001/0047517.)

Marcellin teaches the parental Claims 1, 7, 10, and 16 as discussed above. Marcellin further teaches that:

-- wherein a progression order comprises a layer-resolution-component-position progression of JPEG 2000; (section 5.1)

-- wherein a progression order progression orders is one of the following groups of JPEG 2000 progression order: resolution-layer-component-position progression; resolution-position-

Art Unit: 2624

component-layer progression; component-position-resolution-layer progression; and position-component-resolution-layer progression. (section 5.1)

However, Marcellin does not teach the features related to (1) the intermediate progression order or (2) web server.

Christopoulos teaches a transcoder between a server and a client. In the transcoding arrangement, a client can also serve as another server. (sections 0020, 0035) The transcoding is performed among two or more network elements. The server can be a web server. (section 0012)

It is desirable to have flexibility of providing and accessing multimedia data among various network elements. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Marcellin and Christopoulos to provide multimedia data through web servers connecting to devices of various capabilities, because the combination improves the above-mentioned flexibility.

The combination thus teaches Claims 8 and the interpreted Claim 17.

In the combination, when data are transferred from a first network element to a second network element through an intermediate network element, the progression order can be changed from a first order of the first network element to an intermediate order of the intermediate network element and then to the second order of the second network element. Therefore the combination also teaches Claims 2-4 and 11-13.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen
Primary Examiner
Art Unit 2624

February 18, 2004

A handwritten signature in black ink, appearing to read 'Wenpeng Chen', written in a cursive style.